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INTERNATIONAL COOPERATION IN COMBATING TRANSNATIONAL CRIME

SMUGGLING OF ILLEGAL MIGRANTS

Measures to combat the smuggling of illegal migrants

Report of the Secretary-General

Addendum

1. The present addendum brings to the attention of the Commission on Crime Prevention and Criminal Justice additional information provided by Governments as of 31 March 1997, thereby updating the report of the Secretary-General on measures to combat the smuggling of illegal migrants (E/CN.15/1997/8). It summarizes the replies of 8 States, bringing the total number of States contributing to the series of reports of the Secretary-General on the matter to 82, a relatively high number.

2. The following States have provided information on criminal legislation recently enacted to combat the smuggling of illegal migrants: Colombia, Cook Islands, Cuba, Egypt, Kuwait, Republic of Korea, Slovakia and Spain. Three intergovernmental organizations, the International Maritime Organization (IMO), the International Organization for Migration and the Organisation for Economic Cooperation and Development (OECD), have also reported on the matter.

*E/CN.15/1997/1.

3. The Cook Islands reported that not a single case of what would be considered smuggling within the country had yet occurred. On several occasions, stowaways at sea had been encountered, but were repatriated to their respective countries at the expense of the vessel owners. Such acts, so-called unlawful entries, are regulated by the Residence and Departure Act of 1971/72 (the Immigration Act). A recent amendment to the Act concerns refugees, while disallowing any claims to refugee status in the Cook Islands.

4. Cuba reported that its stringent border control measures had deterred organized traffic in illegal migrants. Its Penal Code harshly penalized illegal entries and exits and the falsification of documents. Cuba was not a transit point; nor was it a base of operations for illegal migration to destination points in a third State.

5. Egypt, although not affected by the phenomenon of illegal migration, nevertheless took the necessary precautions to protect its borders. It was particularly careful about illegal travel and travel documents. A computerized system was used to keep detailed records of foreign entries and exits, and action was taken to prevent the illegal migration of Egyptian nationals. Citizens wishing to travel abroad were required to obtain entry visas for the countries of destination, and foreigners wishing to enter Egypt likewise had to obtain an entry visa.

6. Kuwait had intensified its security measures and warning systems to prevent and detect border infiltrations by sea, air and land. It used advanced systems and technologies to inspect, monitor and track vessels or aircraft passing through its territorial waters or airspace. It engaged in intensive cooperation and exchanges of information on important security matters with neighbouring States. Kuwaiti penal law imposed relatively harsh sanctions on those engaging in or facilitating criminal activity such as the smuggling of illegal migrants. New laws and regulations governing residence in Kuwait had been established. Technological innovations had been employed to detect counterfeit and falsified documents, to prevent the loss, deletion or destruction of crucial data, to control photographic equipment, and to make greater use of fingerprinting. Special efforts had been made to exercise greater control over and caution in the issuance, regulation and safe keeping of travel documents and travel-related material, and to raise the level of citizen awareness, concern and involvement in that process.

7. The Republic of Korea reported on its Immigration Control Act of 1992. Provisions of that Act governed the entry and departure of nationals, and the entry, residence, registration, deportation, investigation and internment of non-nationals, as well as the search of vessels and the granting of refugee status.

8. Slovakia considered itself to be a transit State by virtue of the illegal crossing of its borders by migrants en route to destination points in other States within Europe. The crossings were well organized and yielded a high price per individual. The political and economic changes of recent years in central and eastern Europe had facilitated both legal and illegal migration and led to a dramatic increase in the falsification of travel documentation. To the extent possible, illegal migrants were deported by the police under a 1995 act governing foreigners in the territory, upon the approval of the Chief Commander of the police district concerned.

9. Spain reported on new regulations concerning aliens, established by a Royal Decree of 1996, and on provisions of the Penal Code covering offences against workers' rights, including the smuggling of foreign workers.

10. A matter of serious concern for IMO has been the enhancement of the safety of life at sea by the prevention and suppression of unsafe practices associated with alien smuggling, including the issue of stowaways. In recent years, the Assembly and the Facilitation Committee have focused their attention on such safety issues. In a note issued in January 1997 on the prevention of unlawful acts on or against ships, the Secretary-General of IMO expressed concern about reported incidents of alien smuggling by ships, causing loss of life, and invited the Facilitation Committee to consider taking appropriate action to prevent the recurrence of such incidents. On the

issue of stowaways, a correspondence group was established under the Guidelines on the Allocation of Responsibilities to Seek the Successful Resolution of Stowaway Cases, adopted by the Facilitation Committee in January 1996.

11. The International Organization for Migration, in an effort to curb migrant trafficking worldwide, carried out research, organized international seminars, provided technical cooperation to promote the establishment of effective migration systems, and rendered assistance to victims of trafficking. It was committed to fostering international dialogue and promoting orderly and humane migration. On the subject of migrant trafficking, it organized an international seminar in 1994, a regional seminar for Central America in 1995 and a regional forum for Asia in 1996, with a view to establishing coordinated government approaches to legislation and policy. Of special concern was the issue of trafficking in women for sexual exploitation, with its links to organized crime, which was addressed at a conference of the European Union in 1996, co-organized by the International Organization for Migration. As particularly effective measures to curb this type of cross-border criminality, the Organization advocated targeted research and technical cooperation to build the capacities of Governments to combat such trans-border crime, advancing the detection of fraudulent documentation, and upgrading entry and exit procedures. It assisted migrant victims of trafficking on a case-by-case basis, enabling them to return home in dignity and safety. It established an internal task force on trafficking in migrants as a means of providing guidance for anti-trafficking activities in different regions, and issues a quarterly newsletter entitled *Trafficking in Migrants*.

12. OECD included the issue of employment of immigrants in an irregular situation in its programme of work on migration. As a first step towards a broader analysis of the problem, it convened a Working Party on Migration in June 1995, at which a note by the secretariat of OECD entitled "A comparative analysis of legislation of several European countries aimed at the illegal employment of foreigners" was considered. A technical seminar will be organized in October 1997, supported by the Government of the Netherlands and the European Union, on the theme of "Preventing and combating the illegal employment of foreigners in selected OECD countries: effectiveness of national policies and action for cooperation at the international level".